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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,719	08/09/2001	Pascal Agin	Q65717	3974
23373	7590	10/18/2006		
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER HAILE, FEBEN	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/924,719		AGIN ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Feben M. Haile		2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 19,20,22 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18, 21, and 24-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 21, and 24 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Fapojuwu (US 6,330,232), hereinafter referred to as Fapojuwu.

**Regarding claims 1 and 24**, Fapojuwu discloses a method of selecting a CDMA Base Station Transceiver Subsystem from a plurality of Base Station Transceiver Subsystems to handle a call in a cellular telephone network in response to a call request (**figure 1 units 20, 22 & 16 and column 1 lines 41-46; a CDMA Interconnect Subsystem and Base Station Transceiver Subsystems**), said base station signaling to said base station controller one or more limits related to said processing capacity, wherein said one or more limits correspond to one or more parameters representative of said traffic load (**column 1 lines 47-48; the CIS receives a representation of available call capacity from each BTS**); and said base station controller verifying, for said one or more parameters, if said corresponding limit has been reached (**column 1 lines 51-52; the CIS uses the representations to determine which BTS to enable handling a call**).

**Regarding claim 21**, Fapojuwo discloses selecting a CDMA Base Station Transceiver Subsystem from a plurality of Base Station Transceiver Subsystems to handle a call in a cellular telephone network in response to a call request (**figure 1 units 20, 22 & 16 and column 1 lines 41-46; a CDMA Interconnect Subsystem and Base Station Transceiver Subsystems**) means for signaling one or more limits in its processing capacity to a base station controller that controls said base station (**column 1 lines 49-50; the CIS determining which BTS has the greatest available call capacity**), said limits corresponding to one or more parameters representative of traffic load's (**column 2 lines 3-4; determining power available to support calls**) and means for receiving traffic control signals from said base station controller said traffic control signals being determined according to said limits (**column 1 lines 51-52; the CIS according to the determinations enabling a BTS to handle a call**).

2. Claims 2-3, 5-8, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fapojuwo (US 6,330,232), hereinafter referred to as Fapojuwo in view of Andersson et al. (US 6,434,380), hereinafter referred to as Andersson.

**Regarding claim 2**, Fapojuwo discloses the limitations of base claim 1.

Fapojuwo fails to teach wherein one of said parameters is associated with the number of radio links that can be established and a corresponding limit is represented by a maximum number of radio links that can be established.

Andersson discloses resources in a prospective connection are handover legs (**column 2 lines 9-11**). Andersson further teaches a capacity management system that

negotiates resources for a prospective connection. It would be obvious that Andersson's capacity management system would represent the maximum number of handover legs that can be established in a prospective connection because it would provide a more efficient use of the channels, thus creating a network with a more reliable transmission process.

At the time the invention was made, It would have been obvious to one having ordinary skill in the art to modify Fapojuwo to incorporate the teachings of Andersson. The motivation for such a modification being to provide an enhanced method of obtaining resources of a wireless telecommunications system in connection with admitting and/or sustaining a call.

**Regarding claim 3**, Fapojuwo as modified by Andersson disclose the limitations of base claim 2. Andersson further teaches that wherein said maximum number of radio links is a maximum number of radio links that can be established in marcodiversity **(figure 1 column 3 lines 38-43; two different base stations connected to the same radio network controller transmit information to one user equipment unit)**.

**Regarding claim 5**, Fapojuwo as modified by Andersson disclose the limitations of base claim 2. It would be obvious that Andersson's capacity management system would represent the maximum number of handover legs that can be established in a prospective connection because it would provide a more efficient use of the channels, thus creating a network with a more reliable transmission process.

**Regarding claim 6**, Fapojuwo discloses the limitations of base claim 1.

Fapojuwu fails to teach wherein one of said parameters is associated with data rate for established radio links and a corresponding limit is represented by a maximum data rate for the established radio links.

Andersson discloses resources in a prospective connection are bit rates (**column 1 lines 42-45**). It would be obvious that Andersson's capacity management system would represent the maximum bit rate that can be established in a prospective connection because it would provide data integrity for the transmitted information.

**Regarding claim 7**, Fapojuwu as modified by Andersson disclose the limitations of base claim 6. Andersson further teaches a capacity management system that negotiates resources for a prospective connection. It would be obvious that after Andersson's capacity management system has established a maximum bit rate for the prospective connection, that bit rate would be used in the up direction because it would provide data integrity for the information being transmitted from the user equipment to the base station.

**Regarding claim 8**, Fapojuwu as modified by Andersson disclose the limitations of base claim 6. Andersson further teaches a capacity management system that negotiates resources for a prospective connection. It would be obvious that after Andersson's capacity management system has established a maximum bit rate for the prospective connection, that bit rate would be used in the down direction because it would provide data integrity for the information being transmitted from the base station to the user equipment.

**Regarding claim 14**, Fapojuwu discloses the limitations of base claim 1.

Fapojuwu fails to teach wherein said limits are considered on a per cell or a per base station basis.

Anderson discloses that a capacity management system is responsible for a single cell (**column 4 lines 43-45**).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Fapojuwu to incorporate the teachings of Andersson. The motivation for such a modification being to provide an enhanced method of obtaining resources of a wireless telecommunications system in connection with admitting and/or sustaining a call.

3. Claims 4, 9-13, and 25-27 rejected under 35 U.S.C. 103(a) as being unpatentable over Fapojuwu (US 6,330,232), hereinafter referred to as Fapojuwu in view of Andersson et al. (US 6,344,380), hereinafter referred to as Andersson in view of Hottinen et al. (US 2002/0012380).

**Regarding claim 4**, Fapojuwu as modified by Andersson disclose the limitations of base claim 2. It is further obvious that Andersson's maximum number of radio links established by the processing capacity management system is the maximum number of radio links used in a transmission process because it would provide a more efficient use of the channels, thus creating a network with a more reliable transmission process.

Fapojuwu, Andersson or their combination fail to teach the limitation that the transmission process used for the maximum number of radio links is transmission diversity.

Hottinen discloses a radio system where a signal can be transmitted over at least two transmit antenna paths (**page 2 paragraph 0024**).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Anderson to incorporate the transmission diversity taught by Hottinen. The motivation for such a modification being to provide an enhanced method for eliminating signal fading on the radio path thus creating more reliable transmissions.

**Regarding claim 9**, Fapojuwo as modified by Andersson disclose the limitations of base claim 6. It is further obvious that Andersson's maximum data rate established by the processing capacity management system is used for a first type of traffic because it would provide data integrity for the transmitted information.

Fapojuwo, Andersson, or their combination fail to teach the limitation where an error correcting code is used for a first type of traffic.

Hottinen discloses the use of an encoder for the channel coding of packets arriving at a radio network subsystem (**figure 2A unit 202 and page 3 paragraph 0041**).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Andersson to incorporate the coding feature taught by Hottinen. The motivation for such a modification being to provide an enhanced method for the addition of redundancy into data thus protecting against transmission errors.

**Regarding claim 10**, Fapojuwo as modified by Andersson disclose the limitations of base claim 6. It is further obvious that Andersson's maximum data rate



established by the processing capacity management system is used for a second type of traffic because it would provide data integrity for the transmitted information.

Fapokuwo, Andersson, and/or their combination fail to teach the limitation where an error correcting code is used for a second type of traffic.

Hottinen discloses the use of an encoder for the channel coding of packets arriving at a radio network subsystem (**figure 2A unit 202 and page 3 paragraph 0041**).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Andersson to incorporate the coding feature taught by Hottinen. The motivation for such a modification being to provide an enhanced method for the addition of redundancy into data thus protecting against transmission errors.

**Regarding claim 11**, Fapokuwo as modified by Andersson and further modified by Hottinen disclose the limitations of base claim 9. Hottinen further teaches wherein a first type of error correction code is a turbo-code (**page 3 paragraph 0041**).

**Regarding claim 12**, Fapokuwo as modified by Andersson and further modified by Hottinen disclose the limitations of base claim 10. Hottinen further teaches wherein a second type of error correcting code is a convolutional code (**page 3 paragraph 0041**).

**Regarding claim 13**, Fapokuwo as modified by Andersson disclose the limitations of base claim 6.

Fapokuwo, Anderson, or their combination fail to teach the limitation wherein said data rate is a net data rate.

Hottinen discloses a channel decoder to decode the channel coding used in the transmission (**figure 2A unit 228 and page 4 paragraph 0057**).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Andersson to incorporate the decoder taught by Hottinen. The motivation for such a modification being to provide an enhanced method for using a decoder in removing redundancy from an encoded channel thereby creating the original stream of data.

**Regarding claims 25-27**, Fapojuwo discloses the limitations of the base claims.

Fapojuwo fails to teach wherein said processing capacity limits comprise a maximum number of radio links that can be established.

Andersson discloses resources in a prospective connection are handover legs (**column 2 lines 9-11**). Andersson further teaches a capacity management system that negotiates resources for a prospective connection. It would be obvious that Andersson's capacity management system would represent the maximum number of handover legs that can be established in a prospective connection because it would provide a more efficient use of the channels, thus creating a network with a more reliable transmission process.

At the time the invention was made, It would have been obvious to one having ordinary skill in the art to modify Fapojuwo to incorporate the teachings of Andersson. The motivation for such a modification being to provide an enhanced method of obtaining resources of a wireless telecommunications system in connection with admitting and/or sustaining a call.

Fapokuwa, Andersson, and/or their combination fail to teach a first maximum data rate for a first type of traffic, for which a first type of error correcting code is used and a second maximum data rate for a second type of traffic, for which a second type of error correcting code is used.

Hottinen discloses the use of an encoder for the channel coding of packets arriving at a radio network subsystem (**figure 2A unit 202 and page 3 paragraph 0041**).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Andersson to incorporate the coding feature taught by Hottinen. The motivation for such a modification being to provide an enhanced method for using the addition of redundancy into data to protect against transmission errors.

4. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fapokuwo (US 6330,232), hereinafter referred to as Fapokuwo in view of Hottinen et al. (US 2002/0012380), hereinafter referred to as Hottinen.

**Regarding claim 15**, Fapokuwo discloses the limitations of base claim 1.

Fapokuwo fails to teach the limitation wherein said limits are considered per physical channel.

Hottinen discloses that the measurement of channel quality is related to channel conditions such as channel parameters, power, or bit error rate (**page 5 column 0064**).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Andersson to incorporate the physical channels taught by

Hottinen. The motivation for such a modification being to provide an enhanced method of using physical channels to allow for the option of choosing between transmitting data either to all subscribers or subscriber-specific units.

**Regarding claim 16**, Fapojuwo discloses the limitations base claim 1.

Fapojuwo fails to teach the limitation wherein said limits are considered per type of physical channel.

Hottinen discloses that the measurement of channel quality is related to channel conditions such as, power, bit error rate, etc...**(page 5 column 0064)** and that physical channels are divided into different types **(page 3 paragraph 0037)**.

It would have to one having ordinary skill in the art at the time the invention was made to modify Anderson to incorporate the different types of physical channels taught by Hottinen. The motivation being: physical channels allow the option of choosing between transmitting data either to all subscribers or subscriber-specific units.

**Regarding claim 17**, Fapojuwo as modified by Hottinen disclose the limitations of base claim 16. Hottinen further teaches wherein one type of physical channel is a dedicated physical channel **(page 3 paragraph 0037)**.

**Regarding claim 18**, Fapojuwo as modified by Hottinen discloses the limitations of base claim 16. Hottinen further teaches wherein one type of physical channel is a common physical channel **(page 3 paragraph 0037)**.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

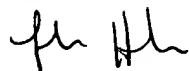
Art Unit: 2616

a) Brouwer (US 6996081), Resource Capacity Reporting to Control Node of Radio Access Network

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Feben M. Haile whose telephone number is (571) 272-3072. The examiner can normally be reached on 6:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
10/12/2006

  
RICKY Q. NGO  
ADVISORY PATENT EXAMINER